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IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

In re the Application of:

Samuel T. Basta

Serial No. 10/816,992

Filed: 04/02/2004

For: LOW PROFILE FLOATING LIFT FOR WATERCRAFT

Art Unit 3671

Examiner: Will, T.

TERMINAL DISCLAIMER UNDER 37 C.F.R § 1.321(c)

Commissioner of Patents & Trademarks
Alexandria, VA 22313

Commissioner:

I, Anthony Claiborne, attorney of record in the above-identified application on behalf of IPO L.L.C., assignee of the entire interest in the above-identified application by virtue of an assignment submitted for recordation at the time of filing said application, hereby disclaim the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,318,929, and hereby agree that the patent shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,318,929. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the assignee and its successors and assigns.

Dated: 19 August, 2004

Anthony Claiborne
Anthony Claiborne, U.S.P.T.O. Reg. No. 36,936

**TERMINAL DISCLAIMER**

Please find filed herewith a terminal disclaimer in compliance with 37 C.F.R § 1.321(c), disclaiming the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,318,929.

REMARKS

Reexamination and reconsideration of the application, as amended, are respectfully requested.

The examiner advised applicant to update the status of the parent application to include the U.S. patent number for application number 09/316,928. Entry of the amendment to the specification offered above will update the parent application status.

The examiner also advised applicant to amend the Abstract to include the buoyant support. Applicant's Second Preliminary Amendment, mailed prior to the mailing date of the office action, corrected this shortcoming.

Claims 9 and 15 in the application were objected to by the examiner because of informalities, which will be corrected by entry of the amendments offered above.

Claims 15 through 18 and claims 21 through 23 were rejected by the examiner under the judicially created doctrine of obviousness-type double patenting over certain claims in U.S. patent no. 6,318,929 in view of U.S. patent no. 6,752,096 B1 to Elson et al. The conflicting '929 patent is commonly owned with this application and the terminal disclaimer is timely filed in compliance with 37 C.F.R § 1.321(c).

In view of the foregoing, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of the claims as amended at an early date is solicited.

Respectfully submitted,



Anthony Claiborne
U.S.P.T.O. Reg. No. 39,636
Claiborne Patent Law Services
849 136th Ave. N.E.
Bellevue, Washington 98005
Telephone Number (425) 562-6290